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MAR 12 2001

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OFFICE OF THE SECRETARY

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March 12, 2001

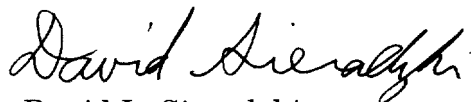
Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20554

Re: Western Wireless Corporation Petition for Designation as
an Eligible Telecommunications Carrier for the Pine
Ridge Reservation in South Dakota;
Federal-State Joint Board on Universal Service,
CC Docket No. 96-45 /

Dear Ms. Salas:

The attached letter from the Oglala Sioux Tribe's President, John Yellow Bird Steele, to Chairman Powell, is hereby submitted for inclusion in the record of the above-referenced proceeding. This letter responds to the Public Notices regarding this proceeding, DA 01-278 (rel. Feb. 2, 2001), 66 Fed. Reg. 9705 (Feb. 9, 2001); and DA 01-384 (rel. Feb. 13, 2001). Please contact me if you have any questions.

Respectfully submitted,



David L. Sieradzki
Counsel for Western Wireless Corp.

Enclosures

cc: Service List



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March 12, 2001

Michael Powell, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC

Office of the President
JOHN YELLOW BIRD STEELE

Re: CC Docket #96-45

Dear Chairman Powell:

As President of the Oglala Sioux Tribe, on behalf of my people, I request that the Commission immediately grant Western Wireless Corporation's petition seeking designation as an eligible telecommunications carrier (ETC) on our reservation. It is urgently appropriate that the FCC make it possible for Western Wireless to receive universal service support for the provision of wireless telephone service under our Tate Woglaka agreement on our reservation.

As a domestic sovereign nation, the Oglala Sioux Tribe has the inherent sovereign right to regulate matters such as this on our reservation. Jurisdiction lies with the Oglala Sioux Tribe and not with the state of South Dakota in the tenets of federal trust relationship.

Section 214 (c)(6) of the Communications Act provides clear authority to the FCC to grant ETC statute to telecommunications carriers, including Western Wireless, on tribal reservation trust land. We are not subject to South Dakota state jurisdiction or that of the South Dakota Utilities Commission.

A letter to your predecessor dated May 31, 2000, signed by the Tribal Vice Chairman Between Lodges and Councilman Tapio, excellently presents our position then and now.

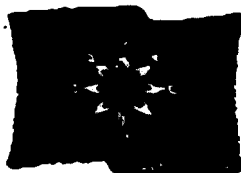
As an addition, the response to the service offering by Western Wireless under the Tate Woglaka agreement has been predictably overwhelming.

Michael Powell
March 12, 2001
Page Two

Thank you for your attention to this matter.

Sincerely,
OGLALA SIOUX TRIBE


John Yellow Bird Steele
President



Oglala Lakota Tribe

Box 9A-2

Economic Development Office

Pine Ridge, South Dakota 57770

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William Kennard, Chairman
Federal Communications Commission
445 12th St. S.W.
Washington DC 20554

May 31, 2000

Dear Chairman Kennard:

In our capacity as elected Tribal Leaders, the Oglala Sioux Tribe respectfully requests that the Federal Communications Commission immediately proceed to overcome the impediments for using federal support for the provision of wireless telecommunications on the Pine Ridge Indian Reservation in South Dakota and the Crow Indian Reservation in Montana. As domestic sovereign nations, both the Oglala Sioux Tribe and the Crow Tribe are guaranteed the right to self-government and to the exercise of certain inherent sovereign regulatory jurisdiction over our members and our lands and people doing business within the exterior boundaries of the Pine Ridge Indian Reservation. We feel it is incumbent upon the FCC to work with both the Oglala Sioux Tribe and the Crow Tribe to ensure certainty and consistency between federal and tribal laws for the provision of wireless carrier telecommunications services on our reservation trust lands.

Statutory language in Section 214(e)(6) of the Communications Act, as amended, provides clear authority to the FCC to grant ETC status to telecommunications carriers, including wireless carriers, such as Western Wireless to facilitate access to telecommunications services on Indian lands. Section 214(e)(6) provides for ETC designation of carriers not subject to state commission jurisdiction and states, in relevant part:

In the case of a common carrier providing telephone Exchange Service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State Law.¹

¹ 47 U.S.C. Section 214(e)(6) (emphasis added).

Thus, the elements of Section 214(e)(6) which trigger ETC designation by the FCC are: (1) common carrier status, (2) provision of the telephone exchange service and exchange access, and (3) lack of a state commission's jurisdiction over the carrier. The Oglala Sioux Tribe feels that the Western Wireless Corporation petition meets these requirements.

In as much that both the Oglala Sioux Tribe and the Crow Tribe are recognized sovereign nations, we find no reason for State Government to be involved in matters that deal with the well being of our populations. The Oglala Sioux Tribe has never enjoyed a harmonious relationship with the state of South Dakota. In an effort to ensure equal and affordable telecommunications services for our residents, we have established a Utilities Commission which has full rate and regulatory authority over all purveyors. Also, Western Wireless Corporation has agreed, in writing, to abide by the Oglala Sioux Tribe Utilities Commission authority. We believe that we are best suited to determine what our population needs. We find no need to be saddled by an entity that has historically downplayed, or ignored altogether, the rights of our people guaranteed by both Treaty and the Constitution.

As a reminder about the urgency of our request, over one half of the homes on our reservation do not have telephones. We presently have three wire carriers for our 896,000-acre reservation and the average monthly charge for wire line basic service, without extras and exclusive of long distance, is well above the norm. Our average household income is \$3500.00 and our unemployment rate is nearly twenty-two times higher than the national average. Reliable and affordable telecommunications are essential for the economic survival and security of our reservation.

For over two years now, the Federal Communications Commission has focused specific attention on increasing telephone service on rural American Indian reservations. Beginning with the tribal consultations and internal education you conducted, we are most pleased. We are supportive of your efforts and we trust you will be supportive of ours. We deeply appreciate your leadership in closing the "Digital Divide" for us.

On January 29, 1999, the FCC held the first of two field hearings on the matter of addressing the problems of the absence or under service of telephone service on American Indian tribal lands and reservations. This Albuquerque hearing was followed by a second, hearing in Chandler, Arizona, on March 23, 1999. Both hearings brought together tribal officials, interested telecommunications companies and state and federal regulatory authorities. Tribal leaders addressed what kinds of telecommunications services they wanted and needed; all the parties addressed how they could work together to improve access to such services on tribal lands. The FCC's initiative in bringing about these hearings was praised by tribal leaders and industry alike.

Recently, the Commission took the further step of adopting a Notice of Proposed Rulemaking (NPRM) on "Extending Wireless Telecommunications Services to Tribal Lands" and a further NPRM on "Federal-State Joint Board on Universal Service: Promoting Deployment and Subscribing in Unserved and Underserved Areas, Including Tribal and Insular Areas". Again, we applaud the FCC for focusing the attention of the telecommunication industry on the low telephone penetration rate on so many tribal reservations.

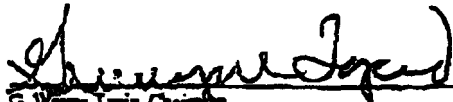
On behalf of Indian Country, the Ogala Sioux Tribe requests that the FCC quickly take formal and definitive measures designed to improve the availability of service to Indian citizens living on reservations. While decisions on the NPRM or Further NPRM have not been made we urge your most expeditious treatment of all these general matters.

For our people on both the Pine Ridge Indian Reservation and the Crow Reservation, we specifically request positive and urgently expeditious action by the FCC on the petition of Western Wireless Corporation (submitted to you on August 4, 1999) which seeks eligible telecommunications carrier (ETC) status to provide service on Crow Tribal reservation lands within the context of the universal service subsidy program. This is extremely important to us because we cannot, very shortly, to have Western Wireless Corporation doing the same for us. We have met with Western Wireless Corporation and Western Wireless Corporation has our full tribal support for service negotiations. We would like to know for ourselves, and the Crow people, that you have granted ETC status to Western Wireless Corporation for their reservation.

We all need your continued and expeditious actions to have the opportunity for competitive, affordable wireless telephone service on our reservation.

Thank you,


Wilbur Behren Ledges, Vice Chairman OST


G. Wayne Tzpis, Chairman
OST Economic & Business Development Committee

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